CENTRAL FAX CENTER

OCT 17 2006

Docket No.: 4481-045

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

David Finlay TAYLOR

U.S. Patent Application No. 10/084,498

Group Art Unit: 2631

Filed: February 28, 2002

Examiner: Freshteh N. AGHDAM

NETWORK MEASUREMENT METHOD AND APPARATUS

### PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Commissioner For Patents P.O. Box 1450 Alexandria, VA 22313-1450

In response to the Notice of Abandonment mailed August 17, 2006, attorney for applicant petitions to withdraw holding of abandonment. Attached is a copy of the Issue Fee Transmittal filed in the U.S. Patent and Trademark Office on June 15, 2006, along with a credit card form. The Issue Fee Transmittal shows that the USPTO received our credit card form. Unfortunately, our credit card form indicated the incorrect application number and attorney docket number. A copy of our facsimile transmission is also attached.

Due to the typographical error, it is respectfully requested that the Notice of Abandonment be withdrawn. If this Petition is denied, attorney for applicant herewith submits a Petition for Revival On An Application For Patent Abandoned Unintentionally Under 37 C.F.R. 1.137(b).

> CERTIFICATION OF FACSIMILE TRANSMISSION I HEREBY CERTIFY THAT THIS PAPER IS BEING FACSIMI-LE TRANSMITTED TO THE PATENT AND TRADEMARK OFFICE

ame of Rerson Signing Certification

SIGNATURE

RECEIVED CENTRAL FAX CENTER OCT 17 2006

U.S. Patent Application No. 10/084,498

Attorney Docket No. 4481-045

The Commissioner is hereby authorized to charge any necessary fees and/or credit any overpayments to Deposit Account No. 07-1337.

Respectfully submitted,

LOWE HAUPTMAN & BERNER, LLP

Allen M. Lowe Registration No. 19,641

LOWE HAUPTMAN & BERNER, LLP (22429)

1700 Diagonal Road, Suite 310 (703) 684-1111 AML/tal Facsimile (703) 518-5499 October 17, 2006

OCT 17 2008

PART B - FEE(8) TRANSMITTAL

ompriete and sund this form, together with applicable fee(s), to: Mail Stop ISSUE FEE

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P.O. Box 1450
Alexandria, Virginia 22313-1450

or Eag (571)-273-2885



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AGILENT TECHNOLOGIES, INC. Legal Department, DL 429 Intellectual Property Administration P.O. Box 7599 Loveland, CO 80537-0599

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Donna L. Lizama	(Depositors costs)
	(caterry)2)
Juna 15, 2006	(Date)

APPLICATION NO.	FILING DATE	Pirst named inventor	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/084,498 02/28/2002		David Finlay Taylor	4481-045	7479	

TITLE OF INVENTION: NETWORK MEASUREMENT METHOD AND APPARATUS

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PAGE 3/7 \* RCVD AT 10/17/2008 2:32:56 PM [Eastern Daylight Time] \* SVR:USPTO-EFXRF-3/18 \* DNIS:2738300 \* CSID:7035185499 \* DURATION (mm-ss):04-46

## OCT 17 2006

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Approved for use through 10/51/2003, 0MB 0651-0031 United States Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FOR REVIVAL ON AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)

4481-045

First named inventor:

**David Finlay TAYLOR** 

Application No.

10/084,498

Art Unit:

2611

Filed:

February 28, 2002

Examiner:

Freshteh N. AGHDAM

Title:

**NETWORK MEASUREMENT METHOD AND APPARATUS** 

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305 9282

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The due date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus extension of time actually obtained.

#### APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the delay entire delay was unintentional.
- 1. Petition fee
  - ☐ Small entity-fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27,
  - Other than small entity fee \$ 1,500.00 (37 CFR 1.17(m))
- 2. Reply and/or fee
  - A. The reply and/or fee to the above-noted Office action in The form of \_\_\_\_\_ (identify type of reply)
    - □ has been filed previously on
    - is enclosed herewith.
  - B. The issue fee of \$1,700.
    - has been filed previously on June 15, 2006.
    - ☐ is enclosed herewith.

#### [Page 1 of 2]

Burden Hour Statement. This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistance Commissioner for Patents, Washington, DC 20231

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OCT 17 2006

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	nder the Paperwork Reduction Act of 1995, no persons are required to respond to a contention of into internation and a contention of into into into into into into into into
3.	Terminal disclaimer with disclaimer fee
	☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal discialmer is required.
	A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ for a small entity or \$ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/83).
4.	STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)))].
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	October 17, 2006 Wlan W. Town
	Date Signature
	Allan M. Lowe, Reg. No. 19,841 Typed or printed name tiber (703) 684-1111
	LOWE HAUPTMAN & BERNER, LLP  CUSTOMER NO. 22429  1700 Diagonal Road  Suite 300, Alexandria, Virginia 22314  Address
Enc	Sures: 図 Fee Payment (If to be charged, fees are to be charged to Deposit Account No. 07-1337) □ Reply □ Terminal Disclaimer □ Additional sheets containing statements establishing unintentional delay □ Other:
	CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]  learness certify that this correspondence is being:  deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450  transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916 October 17, 2006  Date  Type or printed name of person singing certificate

[Page 2 of 2]